

KOBRE & KIM LLP

800 THIRD AVENUE
NEW YORK, NEW YORK 10022
WWW.KOBREKIM.COM

TEL +1 212 488 1200

NEW YORK
LONDON
HONG KONG
SHANGHAI
SEOUL
WASHINGTON DC
SAN FRANCISCO
MIAMI
CAYMAN ISLANDS
BVI

February 9, 2018

BY EMAIL AND ECF

Hon. Katherine Polk Failla
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

**Re: *The Bank of New York Mellon Trust Co., N.A. v. Education
Management II LLC, et al.*, 17 Civ. 4610-KPF (S.D.N.Y.)**

Dear Judge Failla:

We write on behalf of Defendants Education Management II LLC and Education Management Finance III LLC. Defendants have reviewed Plaintiff's opposition brief (Docket No. 32) and have elected to rest on their opening brief (Docket No. 28). Defendants respectfully request that the Complaint be dismissed for the reasons set forth therein.

Respectfully submitted,



Danielle L. Rose
(danielle.rose@kobrekim.com)

Leif T. Simonson
(leif.simoson@kobrekim.com)

Adam Lavine
(adam.lavine@kobrekim.com)

cc: Plaintiff's counsel (via email and ECF)